

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

X

FRANCIS FENWICK, EDWARD SAFRAN, STEVE
HARDING, MARY WARDRETT, and LINDA YOUNG,
Individually and on behalf of all others similarly situated,

Plaintiffs,

v.

RANBAXY PHARMACEUTICALS, INC., RANBAXY
LABORATORIES, LTD., RANBAXY LABORATORIES,
INC., RANBAXY, INC., RANBAXY USA, OHM
LABORATORIES, ABC CORPORATIONS 1-10, and
JOHN DOES 1-10,

Defendants.

X

Civil Action No.:
12-CV-07354-PGS-DEA

**DECLARATION OF
BARRY J. GAINEY, ESQ.
IN SUPPORT OF REPLY
PAPERS ON MOTION FOR
CLASS CERTIFICATION**

BARRY J. GAINEY, ESQ., being of full age, hereby declares:

Our law firm represents the plaintiffs in this case. I am submitting this Declaration in support of the Reply Papers on the Motion for Class Certification.

1. Attached hereto as Exhibit "19" is a true and accurate copy of May 23, 2018 Declaration of plaintiff expert Gary French.
2. Attached hereto as Exhibit "20" is a summary of documents from nine companies.
3. Attached hereto as Exhibit "21" is a true and accurate copy of the deposition of plaintiffs' expert Gary French.
4. Attached hereto as Exhibit "22" is a true and accurate copy of a letter from CVS's counsel dated September 13, 2017.
5. Attached hereto as Exhibit "23" is a true and accurate copy of documents concerning facts of the case.
6. Attached hereto as Exhibit "24" is a true and accurate copy of the report of plaintiffs'

expert Gary French.

7. There is no Exhibit "25".
8. Attached hereto as Exhibit "26" is a true and accurate copy of a letter Dated December 3, 2012 from FDA to Ranbaxy.
9. Attached hereto as Exhibit "27" is Two Charts Relating to Predominance Issue.
10. Attached hereto as Exhibit "28" is One Chart Relating to Predominance Issue.
11. Attached hereto as Exhibit "29" is a true and accurate copy of Judge Sheridan's Decision and Rulings of March 27, 2015.
12. Attached hereto as Exhibit "30" is a true and accurate copy of pages from the Third Amended Complaint and Defendants Answers to it.
13. Attached hereto as Exhibit "31" is a true and accurate copy of one of the defendants' website pages (their Exh. 8) and copy of another Ranbaxy webpage accessed from a link on their Exhibit 8.
14. Attached hereto as Exhibit "32" is a true and accurate copy of deposition excerpts from defendants' expert, Bruce Strombom.
15. Attached hereto as Exhibit "33" is a chart of states that do not require privity.
16. Attached hereto as Exhibit "34" is a preliminary summary trial plan.

I hereby declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 25, 2018

s/Barry J. Gainey
Barry J. Gainey (7560)
GAINEY McKENNA & EGGLESTON
95 Route 17 South, Suite 310
Paramus, New Jersey 07652
201-225-9001
Attorneys for Plaintiffs